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REMARKS ON THE *LATE* "CHARITABLE TRUSTS BILL."

THIS bill, as our readers are aware, was lost on the second reading, by a majority of *one*: an opposition too small not to encourage, in all probability, its re-introduction in the next Session of Parliament. For two years this measure has been projected. The year before last it was mooted, and last Session it went into Committee, where amendments were made which were adopted by the House of Lords, and, we believe, the bill reached the Commons, but, for some reason or other, was not proceeded with. It was introduced this Session pretty nearly in the same form as last year, except in the proposed enactment relating to the appointment of the Commissioners. From this pertinacity of its authors we are justified in looking upon the measure as postponed, or in abeyance, rather than as altogether lost. And this must be our excuse and apology for attempting to draw the attention of our readers to the provisions and character of a bill no longer ostensibly in existence; and by our summary of its contents, and the observations we may feel it our duty to make thereon, to induce them to be on the watch, and to guard against any future measure of a similar character; for if a most strenuous resistance to it be not maintained by parties most interested, the efforts of its framers will, there is little doubt, be eventually successful.

We are not ungenerous enough to suppose that the proposed enactment originated in any sinister intention or design, but we object to it on principle, on the ground of

civil and religious liberty, for its centralizing tendency, for the great and grievous injustice and oppression such a measure would inevitably inflict on a large body of those affected by it. There are, doubtless, many charitable funds in this country which need better security than they at present possess for equitable and faithful management, but let that security be based on a more constitutional foundation than the provisions of the late bill would appear to embody. Let us rather have the abuses than our civil liberties infringed or endangered. We have not the faith that some entertain in the discretion, diligence, or independence of Commissioners. We object to the principle on which their appointment is proposed. In the present case, it implies a confession of the inutility or non-availableness of the regularly constituted judicial authorities in seeking redress for any alleged mismanagement or malversation. Let what is amisss in this respect be reformed—let a recourse to the Court of Chancery be rendered a less expensive proceeding, in the matter of charities, rather than create an irresponsible tribunal, accompanied with the immense powers proposed to be vested in these Charity Commissioners. We object the more to the design in question, when we consider the almost utter impossibility of compassing the end proposed, at least to the general satisfaction. So difficult under existing circumstances do we regard the practical execution of this project to be, that we are persuaded if the full measure of our objection should not strike the framers of such a legislative enactment as that which gives rise to these remarks, it would at once occur to any prudent persons planning legislation for a country like ours, as the *Inquirer* very aptly observes;—"a country in which such a variety of religious opinions exists, and in which so very many endowments have relation to the support of these opinions, that the utmost caution would be needed, to attempt withdrawing the management of such funds from the parties in whom it is at present vested, and not to create any suspicion of an intention to use the powers given for religious party purposes. Yet this bill treats as Charities the endowments of Dissenting Chapels and Schools; and matters upon which the very first principles of Dissent deny the right of the State at all to interfere, are submitted to the supervision of Commissioners appointed by the

State. If the principle of such a measure be once assented to, who can foresee the extent to which it may be applied? It, in fact, submits the whole management of Dissenting religious endowments to the control of parties, almost all, of course, belonging to the Established Church, and who are allowed a large discretion on every point respecting the administration of the Trusts."

Such being the unconstitutional character of the bill, we are glad that it met with the resistance it deserved, not only from our legislators themselves, but from parties more or less affected by it, and particularly those who opposed it, on account of its unconstitutional interference with the security and freedom of their religious position. There were a few petitions in favour of it, it is true, and one, we believe from the Society of Friends, presented by the Duke of Wellington; but they could be of little weight when placed in the scale against the immense number of an opposite tendency, preferred by those who, though they might be satisfied with the end sought to be obtained, were also solicitous as to the means and agencies by which that end was to be accomplished. In any future agitation of this important question, we hope the same spirit will animate the Dissenting portion of the community that has been manifested on the present occasion, and sufficient to demonstrate to our legislators that civil and religious freedom, even in respect to our charities and charitable trusts, though in the lapse of time the latter may be liable to some abuse, is too precious to be risked by measures so equivocal in their character and provisions, as the one to which we are about to draw the attention of our readers.

This bill proposed the establishment of three *permanent Commissioners of Charities*, who should hold their offices during good behaviour. Their appointment was to be vested in the Lord Chancellor, which was an improvement on the former bill, assigning that office to the Secretary of State. And with regard to the *qualification* of these Commissioners, the bill proposed, somewhat vaguely, that every person to be appointed a Commissioner should be either a person holding the office of *Vice-Chancellor* or *Master in Ordinary* of the High Court of Chancery, or a person who should have held either of such offices, or the office of Chief Justice of the *Supreme Court of Judicature*

in Bengal, or a *Serjeant* or Barrister-at-Law in actual practice, and of not less than twelve years standing at the bar.* One would, at first sight, suppose that this enumeration of the qualifications required had been introduced to meet the case of certain peculiarly qualified individuals; and if that supposition be just, would it not have been better to have named those persons as the first Commissioners, and to have established a more simple and rational qualification for the future? We say "*more simple and rational*," *because, we cannot perceive*, any more than Mr. Palmer,† "what special virtue there can be in the Calcutta Bench, to qualify a retired *Chief Justice of Bengal* more than a retired Chief Justice of Madras or any other presidency, after ten years broiling within the tropics, for the somewhat novel duties of a Charity Commissioner in England, requiring much patient investigation for their proper discharge." Again, is a Serjeant-at-Law necessarily qualified for the superintendence of Charities by practice in the Court of Common Pleas, which takes no cognizance of Charitable Trusts? or, is the fact of his being in actual practice, susceptible of easy definition or ascertainment?

It was also proposed that the Lord Chancellor should, from time to time, appoint two fit persons to be inspectors of charities for England and Wales, removable at his pleasure, to act under the Commissioners, in making inquiry in districts assigned to them, into the receipt and application of the revenues of any Charitable Trust; and, in cases within the summary jurisdiction of the said Commissioners, into the general administration of such Trust; with full power to call for documents, and to require the attendance of and examine any persons concerned in the management of the charity; also, if authorized by the Commissioners, to examine *upon oath or affirmation*, transmitting the "examinations" and reporting their opinion, and the grounds thereof, upon any enquiries made by them, to the Commissioners.‡ Moreover, it was proposed that the Commissioners should, from time to time, appoint a secretary, and, with the leave of the treasury, so many clerks, messengers, and officers as they

* S. 2.

† See his able pamphlet entitled "*Considerations on the Charitable Trusts Bill*," &c.

‡ SS. 4, 22, 23, 24, 25.

might deem necessary, and remove them at discretion.* Now, we should be disposed to question the necessity, expediency, and propriety of empowering subordinate officers, like these inspectors, not being judges or magistrates, to examine upon oath; such power of enquiry being properly vested, we should conceive, only in the Commissioners themselves.

The tenth clause of the bill enacted that the Commissioners should have a *summary jurisdiction* over every case in which the clear yearly revenue of any charity should not exceed one hundred pounds; that, on being informed by the *petition in writing of any informant*, or, by the report of any inspector, or otherwise, of any neglect, abuse, or breach of trust, in the management of the charity, or of the want of a sufficient scheme for the application of its revenues, the Commissioners were to be empowered to cite before them the parties charged, and to summon and examine any persons in relation thereto, and to hear and determine the matter summarily, and to make such order for the payment with, or without interest, of money belonging to the charity, in the hands of any receiver, trustee, officer of or person administering the charity; or, for the payment of interest, with or without rests, on balances improperly retained; or for the future administration of the estate and funds; or *to make any other order* in such matter respecting the property or the objects of such charity, upon the trustees or officers of, or persons administering the same; or to establish, with the consent in writing of the special visitor (if any), *such scheme* for the application of the revenues of the charity, *as to the Commissioners might seem fit.* And every such order is to be *final* and *conclusive*; and not even subject to any review, unless the Commissioners should think fit, in the exercise of powers given to them, to re-hear the same. They were to hold their sitting as near the place where the charity should be situate, *as circumstances might in their judgment render expedient;* and no person summoned by them, except such receiver, trustee, officer, or other person administering the charity, (who, it would seem, might be brought from any distance,) should be obliged to travel, in obedience to their precept, more than ten miles from his or her

* S. 6.

place of abode. In case of any charity for the purpose of education, in connexion with the united Church of England and Ireland, *the consent of the Bishop of the diocese should be required, in order to the validity of any new scheme for its administration.* The income stated in the Analytical Digest of the Reports of the Charity Commissioners, laid before Parliament in 1842, was to be taken as the amount of the clear yearly income of any charity for the purpose of regulating and settling the jurisdiction of the Commissioners. They were, moreover, to be empowered, *without appeal*, in all cases within their summary jurisdiction, to appoint and remove trustees, and to authorize trustees to remove any schoolmaster or mistress, or other officer of any charity; provided that, where there was any special visitor, the consent of such visitor be obtained. They were to be further empowered, in cases within such summary jurisdiction, to authorise trustees or other persons having Bank annuities or other stock, standing in their names, as subject to any charitable trust, and appearing to the Commissioners not duly secured from misappropriation or loss, to be transferred to the name of the Accountant-General of the Court of Chancery, to be subject to their orders.*

In regard to the general jurisdiction of the Commissioners *over all Charitable Trusts*, it was proposed by this bill, that upon the application of the trustees, and with the consent of the special visitor (if any) they should have power to authorize the sale, mortgage, or exchange of lands, rents, or other hereditaments belonging to any charity, or the granting of leases, or the working of mines, or the digging for stone &c., whenever it should appear to them beneficial to the charity; also to sanction the compromise of claims against any person or corporation, though legal proceedings might have been commenced, for neglect or breach of trust in any charity, where it should appear for the advantage of the charity, or might, under special and peculiar circumstances, seem proper.† The reader will not fail to perceive that these are great powers, requiring very judicious exercise; it ought, we think, to be provided, though not a word is said in reference to that point, that no proceedings should be authorized contrary to the orders or known intentions of the

* SS. 10, 11, 13, 14, 15, 18, 27, 30. † SS. 12 and 20.

donors, and that the monies raised by sale or mortgage should be duly re-invested or applied.

It was further to be enacted by this bill, that the Commissioners should have power to make such regulations as they might think fit concerning the form and manner of the accounts to be kept and rendered, the returns to be made, and the transmission and production of such accounts, and the vouchers thereof, to the Commissioners or inspectors; also to enquire, together or singly, or by an inspector, into the receipt and application of the revenues, to inspect all documents concerning the same, to require the attendance (no matter from what distance, and without any provision for the reimbursment of their expenses) of any trustee, officer, or servant of any charity, or other person concerned in its administration, or receiving any benefit from it, and to examine all such persons, either upon or without oath.* The Commissioners were likewise to be empowered by the fifty-first clause to require the trustees to appoint a clerk of every charitable trust; but it was not provided how such clerk was to be paid, though every such clerk was required, on his appointment, to communicate his name and address to the Secretary of Charities. The accounts of every Charitable Trust also were to be kept and examined and audited as the Commissioners might direct; though possibly a different method may have prevailed, by ancient usage or order of the donors. A statement of the debts, revenues, actual receipts and expenditure of the previous year to be annually transmitted to the Commissioners; who, on their part, were, every third year, to report to the Crown the several particulars of all charities subject to their inspection, stating in such report what charities may, *in their opinion*, have ceased to be beneficial, or become injurious, or require to be regulated or reformed. Moreover, attested copies or abstracts of all future conveyances and assurances affecting property subject to any Charitable Trust, and of so much as they might require of all previous muniments concerning any charity property or trust, were to be transmitted to their office to be there registered and deposited, and open to public inspection. And all trustees were to provide such means for the safe custody of the title-deeds and muniments relating to the property of any

* SS. 21 and 26.

charity as the Commissioners should require, and in case they should not have means for securing the same, should transmit them for safe custody to the office of the Commissioners, retaining only copies for their own use and reference.*

Such is the summary and general jurisdiction over charities, which this bill proposed to be given to the Commissioners. Its subsidiary object of remedying some inconveniences occasioned by the *Municipal Corporation Act* of 1835, as stated in clauses from forty-four to forty-seven inclusive, we must pass over from want of space, and proceed to remark that this bill contained no provisions that the Commissioners should have a fixed court, or hold permanent sittings, or that their judicial proceedings should be public, or duly registered; in all which respects it would seem to have been very defective. The provisions for enforcing the authority of the Commissioners, though not without precedent, appear in many respects objectionable. By the fortieth and following clauses, it was provided, that if persons refused to appear before any Commissioner or Inspector when summoned, or to answer fully any lawful question, they were to be fined by *the Court of Queen's Beuch*, or *the Court of Exchequer*, on application of two of the Commissioners, or the Attorney-General. Officers of charities, or any person receiving benefit therefrom, who might obstruct any Commissioner or inspector, or refuse to answer or obey their summons, were to be subject to removal, by the Court of Chancery, on application by petition. And trustees, refusing or neglecting to obey the directions of this Act, or of the Commissioners, were to be deemed guilty of a *breach of trust*, and subject to removal by the Court of Chancery, on petition. And when any person should refuse, or for one calendar month neglect to obey any order of the Commissioners under this act, the Court of Chancery, on their petition, or that of any one interested, might enforce the same as an order of the court. It was further provided by the fifty-eighth clause, that all persons in whom property should be vested, subject to any charitable trust, or who should be concerned in the administration of *trust property*, should be indemnified and saved harmless, by and out of such property, against all costs, damages,

* SS. 51, 52, 53, 56, 57.

and expenses, incurred by reason of acts done or omitted, or legal proceedings commenced, prosecuted, or defended by them, under the direction of the Commissioners.*

The reader may be curious to know how the salaries of these Charity Commissioners, and other officers, were to be paid, as well as their expenses, which, it is obvious, would not be inconsiderable. By the fifty-fourth and fifty-fifth section, this bill proposed that such sum as the Commissioners should direct, not exceeding threepence in the pound, of the revenue of any charity within their summary jurisdiction, or three-halfpence in the pound of the revenues of any other charity, not exceeding one-hundred pounds; and excepting charities which might be specially exempted by order of the Commissioners, should be yearly paid into the Bank of England, in the name of the Accountant-General, to an account to be intituled "The Charity Administration Fund;" the Lords of the Treasury to supply any deficiency. Lastly, it was proposed that this Act should not extend to either of the Universities of Oxford or Cambridge, nor to any college or hall therein, nor to Ireland, nor to Scotland.

We have thus given as succinct a digest of the provisions of this bill, as, while it answers we trust our object of not tiring the reader, may enable him to judge of its principle and intended practical operation.

We beg to make a few remarks on the general purport and object of the bill, and to conclude with some observations on its bearing upon the charitable bequests of Dissenters. In 1842, Mr. Hine published an able pamphlet on the subject to which this bill refers.† As his recommendations were in accordance with those of a Select Committee of the House of Commons, and those of the Commissioners, they are entitled to some consideration. He is of opinion that the Court of Chancery is inadequate to protect the smaller charities, on account of the great and unavoidable expense. Referring to several cases which fell under the notice of the Commissioners, illustrating the want of a more easy and cheap method of appointing and removing trustees, the want of a less expensive authority for the direction and proper manage-

* SS. 40, 41, 42, 43, 58.

† Observations on the Necessity of a Legislative Measure for the Protection and Superintendence of Endowed Public Charities, by James Hine, Esq., Secretary to the late Commissioners for Inquiring into Charities: 1842.

ment of charitable trusts, the risks to which charity property is exposed, and the benefits likely to arise from an easy plan of effecting exchanges, &c., he recommends the establishment of a permanent board of Commissioners of Charities, with a fixed office in Westminster, and a limited jurisdiction, proposing to follow the 43 Eliz. c. 4. in making the Court of Chancery the depository of their reports and orders; the process of that court available for the enforcement of their orders; and their orders subject to be altered or rescinded by the Court of Chancery, on appeal of any person aggrieved, giving security for costs. The late bill, however, it will have been seen, goes far beyond the recommendations of Mr. Hine, as well as of the late Commissioners, or of the Select Committee of the House of Commons.

Mr. Palmer is of opinion that, with reference to the jurisdiction of the Commissioners as indicated in the late bill by the provisions thereto appertaining, the latter might often lead to oppression, expense, and irremediable wrong; and prove subversive of the intention of the donors, which the law of England has endeavoured sacredly to fulfil. "Where is the justice, or policy, or wisdom," he asks, "of establishing one tribunal for the rich, and another for the poor?—one tribunal to-day, and another for the same charity (the income varying), to-morrow?—of regulating the jurisdiction of the Commissioners by a difficult and fluctuating criterion, uncertainly applied at the outset?—of vesting in these Commissoners, holding their court in any hidden room or corner of the kingdom, greater power in making orders and schemes (irrespective of the will of the donors), than is conceded to the High Court of Chancery?—of authorizing their proceedings upon any complaint, perhaps contained in an anonymous letter, when all experience testifies the necessity, to prevent oppression and groundless complaint, that the complainant failing should be responsible for costs?—of allowing no appeal from the orders of the Commissioners to the higher Courts, though security might be offered for costs to prevent groundless appeals, thus omitting a safeguard most necessary to secure the equity of the Commissioners' decisions, and making them arbitrary judges?—and of not even allowing them to revise their own summary orders, unless on complaint within *two months*, though the

subsequent finding of any mislaid old document, or other discovery, might justify their reversal? The injustice and impolicy of such provisions appear too plain for comment. The powers of removing trustees, and enforcing the transfer or payment of stock or money, seem altogether too great to be entrusted to the Commissioners without appeal. The power also of authorizing trustees to remove a schoolmaster, or other officer, upon proof to the Commissioners' satisfaction of past negligence or present incompetency, appears too great to be exercised, in derogation of a freehold office, either without a hearing or without the right of appeal. It exceeds the power of authorizing the removal of schoolmasters which was entrusted to the Court of Chancery by a recent Act."*

The onerous offices assigned to the Commissioners by the late bill, namely, those of *inspectors, accountants, auditors,* and *registrars general* of Charitable Trusts throughout England and Wales, would have left them but little time for the exercise of their judicial functions. In any future bill, their duties (if indeed we are to have Commissioners), might be usefully abridged. The oversight and publicity necessary for the due administration of Charitable Trusts might be required, but nothing more. On good cause shown for their interference by any responsible informant, or by any trustee or other interested party, there would probably be little objection to their possessing full powers of inquiry, as well as some powers to aid and correct, under due limitation, and subject to appeal. "But," as Mr. Palmer well observes, "to regulate the mode in which the accounts of every charitable trust are to be kept and audited; to generally require the transmission of all such accounts, and the *vouchers* to the Commissioners; to require annual returns of the particular receipts and expenditure of every charitable trust; and to require the transmission, for registry at their office, of copies of all existing and future muniments of title, perhaps the originals also for custody, would, I apprehend, be a very unnecessary interference with those to whom the administration of the Trust property belongs, and occasion great inconvenience, without any counterbalancing benefit. * * Why, also, when so much information respecting charities has been

* 3 and 4 Vict. c. 77, s. 17.

obtained at great cost, and may be readily collected, is a new, costly, and more cumbersome registration to be attempted, including the exposure of the title-deeds of the estates belonging to all charities, or to those whose estates may be subject to any charge for a charitable trust? It may be also observed, that Trustees of Charities should not be subjected to useless trouble and annoyance. The office of a Trustee is already sufficiently onerous; and it is not for the public benefit that all prudent or respectable persons should be deterred from becoming Trustees of Charities."

The endowments of colleges and chapels and Dissenting places of worship and schools are considered by the law as charities; and the late bill proposed to extend the guardian care of the Commissioners over chapels and schools. The Commissioners were to be empowered, under certain contingencies and conditions, to declare that the intention of the donor of any charity to these establishments could not be carried into effect, and therefore to alter the application of the funds. It will be recollected that they were enjoined to state in their reports what charities had "ceased to be beneficial or become injurious, and what required to be regulated and reformed." What, then, was there to prevent these Commissioners from some day agreeing that certain chapelries had ceased to be beneficial, or that certain schools were positively injurious? But the Universities of Oxford and Cambridge were expressly exempted from the operation of the bill, and the temporalities of the Church were jealously guarded. In every case of a Charitable Trust for the benefit or education of members of the Establishment, no trustee could act until he made and signed a declaration before some judge of one of the superior courts at Westminster that he was "really and *bonâ fide* a member of the United Church of England and Ireland, as by law established."

Why were the interests of Dissenters to be left unguarded, and exposed to the encroachments of a law which called forth such vigilant precautions from the dominant Church? Why was not the property of Nonconformist congregations protected by some exceptional safeguards, which were admitted to be necessary for the security of the Establishment? Thus treated, the Dissenters could

but perceive in the late Charitable Trusts Bill (and we trust they will be equally vigilant in respect to any future project of a similar kind) a measure intended to convert to other purposes the benefactions which they and their forefathers had devoted to the support and advocacy of their respective faiths. For, be it recollected that, according to the 19th clause of the bill, if a majority of the trustees and the special visitor for the time being of any charity, *i. e.* of any Dissenting chapel or school, could be gained over, the Commissioners might "settle or approve a scheme for the application of the property to any purposes they shall think fit."

There is a palpable and marked difference as regards the spirit in which Churchmen and Dissenters are uniformly treated, in such measures as the one under our notice. On behalf of the Church protecting clauses are introduced, and concessions made, to which Dissent is looked upon as having no claim. The Establishment, as the dominant party, is cautiously and smoothly handled, while Nonconformity is regarded as of inferior *caste*, and, therefore, entitled to little or no respect. Such is the natural result of conferring exclusive privileges upon any one sect. The major part of mankind are unconsciously disposed to pay more deference to privileged sects just as they concede it to privileged individuals.

Granting, as we must, the existence of considerable abuses in the administration of the smaller charities in particular, we should not object to some judicious and constitutional measure for their remedy; and, therefore, we cannot but concur generally in the pertinent remark of the *Times* on the late bill, that "the chief fault of the measure, looking merely to the provisions contained, was this—that for the purpose of securing the due administration of a certain description of charities, *it instituted a machinery which might have been so detrimental to others as to leave a balance of loss upon the whole*—a very serious fault it cannot be denied. But *if it is really decided* that the proper Court existing already for the remedy of these abuses, established for this very purpose, with its officers enormously paid, with its staff recently increased, and its work diminished; *if this* COURT *is inevitably and essentially* so costly that for such purposes its existence is a nullity, we do hope that some new mea-

sure for the accomplishment of these righteous ends may be speedily introduced—*if possible, at the expense of the Court itself*—and that no suggestions of jealousy or representations of interest may prevent its becoming law."

A FEW WORDS ON JUDGMENT.

BY JAMES HENRY, D.D., DUBLIN.

(*Continued from a preceding Number.*)

Then the Chief of the peace-officers rose and said, "The advice both of Justus and Liber is good, and I recommend you to adopt it without delay, and ye shall have every assistance both from me, and from the judges who are over me, and from the peace-officers who are under me; for the greater the number of informations and convictions, the greater is the reward of each and all of us. But there is still one thing necessary to give efficiency both to what ye have done already, and to what Justus and Liber advise you further to do." And when all the people cried, "What is it? what is it?" the Chief of the peace-officers answered, "Notwithstanding all your laws, and all your judges, and all your peace-officers, and all your soldiers, with their bludgeons, and their swords, and their bayonets, and their guns, and their pistols, and their cannon, offenders will still escape, unless you command us to circumvent them by artifice, and by fraud, and by lying, and by treachery, and to employ practices against them more wicked in the sight of God than those breaches of your laws for which ye desire to bring them to judgment." Then the people answered, "Doth not the end sanctify the means? And is it not lawful to do evil that good may come? Therefore make haste and do as thou sayest, and take heed that no man escape, else thou shalt be superseded and another Chief of the peace-officers be appointed in thy place."

So the Chief of the peace-officers did as the people of those islands desired, and greatly multiplied the numbers of the officers under him, and stationed them in all the streets, and before all the houses. And they watched every man both day and night, both when he went in and when he came out; and they wore disguises,

and forged certificates, by means of which they obtained entrance into the interior of houses, and were privily present at the most secret meetings. And they used all manner of artifice, and all manner of lying, and all manner of treachery to entrap the unwary offender. And when they had him in their snare, they laid hold on him, and made him prisoner, in the name of the chief governor of those islands, and brought him and placed him before the judge; and when the judge asked, "Who hath brought this man here, and whose prisoner is he?" the peace-officer answered, "He is my prisoner." And when the judge said again, "Who is this man's accuser?" the peace-officer answered, I am his accuser." And when the judge said again, "Who is the witness against this man?" the peace-officer said, "I am the witness against him." Then the judge said, "The offence of which thou accusest this man was committed in a secret room; how couldst thou be present?" Then the peace-officer answered, "I obtained admission by a cunning artifice and a lie, for the Chief of the peace-officers forged a certificate for me, stating that I was a member, and had taken the oath; so they admitted me, believing me to be a brother; and then I made a speech, and excited them to say and do the things of which I now accuse this man, for he was one of them." Then the judge asked, "Has the prisoner anything to say in his defence?" And the prisoner said, "The peace-officer is thy servant, and under thy authority, and has besides a direct interest in my condemnation, for he will be rewarded if I am condemned; and if I am not, he will be disgraced, and perhaps be dismissed from his situation; and, moreover, he hath himself declared that he cometh before thee with a lie fresh on his lips; for all these reasons, his evidence is totally unworthy of credit." Then the judge said, "It was the peace-officer's duty to do as he hath done, and by so doing he hath proved himself a trust-worthy servant, and no objection can be made to his evidence, provided he professes his belief in the Gospel of Christ, which strictly forbids the fraud, and artifice, and lying, and treachery which he hath used against thee, and which inculcates forgiveness of injuries as one of the first duties of a Christian." Then turning to the peace-officer, he said, "Believest thou the Gospel of Christ?

For if thou believest not, thy evidence cannot be received, and this man cannot be convicted, and thou shalt receive no reward, but shalt immediately be discharged from thy situation, on my representing to the Chief of the peace-officers that thou hast failed in substantiating thy charge against a prisoner." Then the peace-officer said, "My lord, I believe." And the judge said, "Take the book." And the peace-officer took the holy Gospel of Christ, and kissed it, and said, "All that I have now said is as true as what I said in the room of the secret society was false, so help me God!" Then the judge said, "Peace-officer, thou hast fully proved thy charge against this man, therefore take him straightway to the prison, and deliver him to the jailer." So the peace-officer took him, and delivered him to the jailer, and then went to the Chief of the peace-officers, and received his reward.

And the people of those islands continually made new laws and regulations, and enacted new penalties; and the number of persons judged and punished increased continually. And it became necessary to appoint new judges, and to build new halls of judgment, and to enlarge the old jails, and to build new. And the making, and the interpretation of the laws, and the accusation and defence, and judgment and punishment of offenders, became a great and flourishing trade, and hundreds, and thousands, and tens of thousands of disciples of Christ made profit, and supported themselves and their families by it. And when a stranger or a heathen travelled in those islands, and saw the land swarming with legislators, and lawyers, and judges, and attorneys, and peace-officers, and informers, and jailers, and turnkeys, and bailiffs, and soldiers, he said, "The great God hath visited these islands with a plague, which is more grievous than the frogs, and the flies, and the lice, with which the God of Israel plagued the Egyptians." But the people themselves said, "Behold the sure evidence of our increasing civilisation, and of our obedience to the command of the Lord Jesus, to live together in brotherly love and charity, and mutual forgiveness of injuries."

And the people of those islands punished those whom they had convicted of offences, some with fine, and some with imprisonment, and some with both fine and imprisonment, and some with banishment. And they said, "Neither

fine, nor imprisonment, nor both of them together, nor even banishment, is sufficient for the punishment of our brethren in Christ. Let us therefore torture them also." And when they debated among themselves what kind of torture they should use, Clemens said to them, "Ye shall neither burn with red hot pincers, nor break upon the wheel, as your forefathers did, lest the heathen gainsay you as it did them; but ye shall use this new torture, which I have invented specially for the use of Christians, and which ye shall find, upon trial, to be quite as effectual as the wheel." Then Clemens showed them the treadmill. And all the people admired it and said, "This is indeed a most excellent instrument to make the stoutest heart and the strongest body to faint with insupportable agony, while yet it teareth no flesh and breaketh no bones; wherefore, if the heathen mock us, saying, 'Do ye also torture?' we can produce our prisoner and say, 'Here is the man, what harm have we done him?'" And forthwith they commanded that the treadmill should be used in all their jails, in place of every other instrument of torture.

Then Clemens said again, "There is yet another torture which is even more insupportable than that of the treadmill, and which, besides, hath the advantage of requiring no instrument." And when the people said, "What is it?" Clemens answered, "Ye must build strong cells of hewn stone in the very heart of your jails. And these cells must be one full size larger than the cages in which the Chinese confine their prisoners; for ye must not imitate the cruelty of savage and heathen nations. Therefore every cell must be sufficiently long, to allow a man to lie down in it. And each cell shall have an iron door; and instead of a window, a grated hole, high up near the roof, for the admission of a little light, and so much air as is indispensable to life. And ye shall call these cells, solitary cells, for ye shall put but one prisoner in each. And the prisoner whom ye put into one of these cells, ye shall not allow to see the face of any human being, nor any living thing, save only the jailer, who brings him his bread and water; nor shall ye allow him to hear the sound of anything that stirs or that has life, nor to have anything with him in his cell which he can handle, or with which he can occupy or

amuse himself, except only the pallet on which he lies, and the pitcher out of which he drinks, and the copy of the New Testament with which ye shall supply him, that by reading it and meditating upon it he may be thoroughly satisfied that his tortures are in conformity not only with the letter, but the spirit of the holy Gospel. Doubt not but the man ye shall so treat will pray to be taken out, and to be placed upon the treadmill, or even to be killed, as an act of grace." Then some of the people objected and said, "How know we but this torture is so great that it may cause the prisoner to die before he hath been tortured long enough?" But Clemens replied, "This kind of torture maketh mad before it killeth. Therefore let the solitary cell be inspected once each week, and if ye find the prisoner mad, let him be removed until he recovers, and when he has recovered, let him be brought back to the solitary cell, and treated as before. And for further security let the judge, when he pronounceth the sentence of solitary confinement, command the jailer, saying, 'Thou shalt divide the term for which this man is to kept in solitary confinement into so many parts, and there shall be such and such an interval of ordinary con-confinement between every two parts,' so shall ye inflict a greater amount of torture than would otherwise be possible, and so shall ye imitate the wisdom of your forefathers, who allowed intervals in the torture of the rack, that the sufferer might have his strength recruited, and be enabled to bear further torture." But some of the more ignorant of the people murmured and said, "This torture is too subtile and refined, to be effectual for the punishment of offenders." Then Justus said, "What more effectual torture do ye desire than that which driveth a man to madness, and maketh him even to pray for death as a deliverance?" And Liber said, "As freemen and Christians, we will have no other tortures but those which Clemens has proposed." Then all the people were convinced, and applauded what Clemens and Liber and Justus had said, and passed a law accordingly.

And the people of those islands said again, "Imprisonment is good, and torture during imprisonment is still better, but to take the life is best of all. Our fathers and our forefathers, were they not examples of Christian

charity to all mankind, and did they not kill every man who stole so much as a sheep, or a horse, or an ass?" Then Clemens said, "Ye shall indeed kill, for what Christian nation killeth not? But it must not be as your fathers did; for their love of blood was so great, and they killed so many as to defeat their own object, and to bring the punishment of death into disrepute, and to cause it to be esteemed lightly even by the offenders themselves. Ye must therefore kill more rarely than your fathers, not because it is wrong to kill, but that ye may thereby render the punishment more terrible." Then all the people said, "We will do in this respect also as Clemens counselleth, and will kill only those who commit the greatest offences, because it is they who most require to live, that they may have time to repent and make their peace with God; therefore will we kill them."

And this was the way in which the people of those islands killed an offender. The jailer placed him before the judge, and the judge put on a black cap, and said to him, "Prisoner, we are going to kill thee, because thou hast committed this great offence. Therefore, if thou hast anything to say why thou shouldst not be killed, now is thy time." Then the prisoner said, "I confess my guilt, and truly and from my heart repent, and humbly pray for mercy in the name of that blessed Saviour who died upon the cross for each and all of us, and most for the sinner who repenteth." And the judge said, "It is well that thou repentest, for our holy religion teacheth that repentance availeth before that God whose name is Mercy, and who hath declared that he will pardon to the uttermost every repentant sinner that cometh unto him; but repentance availeth not with the tribunal before which thou now standest, for it is the tribunal of a poor sinful man like thyself, and established by sinful men, for the purpose of punishing, not only him that repenteth not, but him also that repenteth. Therefore cast away all hope and prepare to die, for we will surely kill thee." Then the prisoner answered, "The blessed Saviour hath commanded that thou shalt forgive even unto seventy times seven times thy brother that cometh unto thee, saying, 'I repent.'" The judge answered, "God forbid that both I and all thy Christian brethren should not truly and from the heart forgive both thee and also every

other offender that repenteth; for we know that if we do not, neither will Christ forgive us at the last day. Therefore, behold! with our hearts we forgive thee, as required by the law of Christ, and with our hands we punish thee, even as if we had not forgiven. Wherefore, I say again unto thee, prepare to die, for thou mightest escape out of the fangs of the tiger or the hyena, but thou canst not escape out of the hands of thy brethren. And now I command that thou be straightway taken back to the place from whence thou camest, and be hanged by the neck until thou art dead, and that thy body be buried within the precincts of the jail, that all men may know what kind of forgiveness Christian brethren give to Christian brethren, and what kind of forgiveness they expect to receive at the hands of God, when they stand before his judgment seat at the last day; for the Lord, that cannot lie, hath promised that it will be, and they themselves pray that it may be, such as they here award one to another. Even so be it, O Lord! both with me and all those who hear me this day. Amen!" And then turning to the jailer, he said, "Take this man and let him be killed, as I have commanded; but, first, let him have the consolations of religion."

So the jailer took the prisoner, and brought him back to the jail, and kept him in the condemned cell until the day on which he should be killed. And the minister whom the people of those islands kept for the purpose of preaching the Gospel to the prisoners, and especially to those of them who were to be killed, visited the prisoner every day, and read and explained to him all that the Lord and his apostles had said and commanded about judgment and punishment, and the forgiveness of injuries.

And on the Lord's day next before the day on which the prisoner was to be killed, the jailer took him and made him stand in the centre of the prison chapel, and caused two peace-officers to stand, one on his right side, and the other on his left, each holding him fast by an arm; and when he had so placed him, the chapel bell tolled, and the doors were thrown open, and as many of the Christian brethren admitted as had been able to obtain tickets, until the chapel could hold no more, and many went away disappointed, saying, "When will the next killing be?" and, "We would rather have been disappointed of a seat at the play or the opera."

And when the noise of the people who crowded into the chapel had subsided, the minister opened the book of the Lord, and read aloud in the hearing of all the people what the Lord said to those who brought to him the woman taken in adultery, and also the parable of the servant whom the king his master rebuked for having cast his fellow servant into prison. And when he had done reading, he kneeled down, he and all the people with him, and prayed, saying, "Lord be merciful unto us, and forgive us our trespasses, even as we forgive those that trespass against us, and especially as we forgive this repentant brother in Christ." And all the time the people were praying, they kept their eyes fixed on the prisoner, whom the peace-officers had made to kneel down between them and to join in the prayer, the peace-officers themselves also kneeling, one on each side of him, and holding him fast by the arms, and praying. And the people rejoiced and said in their hearts, "We thank, O Lord, that thou hast delivered this great sinner into our hands." And one of them whispered to his neighbour, and said, "The torments of this man are worse than those of Samson in the temple of Dagon." And his neighbour answered. "It is meet they should, for we are not Philistines but Christians, and this is not an idol's temple, but the house of the living God; neither is this man an enemy but a brother, and moreover, we fear him not, for his frame is weak, and his cheeks are pale, and his lips quiver, and his knees knock together, and behold even now he fainteth."

And when the prisoner had fainted away, and could no longer hear the prayers of the minister or the people, the two peace-officers took him and carried him back to the condemned cell; and the next morning the chapel bell tolled again, and the window of the prison opened, and the prisoner came out with his hands tied behind his back, and his shirt collar turned down, and a rope about his neck; and the executioner walked behind him and the peace-officers, one on each side of him, supporting his weight and moving him along; and the minister with the prayer book open in his hand went before him, and when the bell had ceased tolling, prayed, saying, "Thou that breakest not the bruised reed and quenchest not the smoking flax, bless the work which we are going to do."

Then the executioner took the prisoner and placed him on the drop, and drew the cap over his eyes and adjusted the rope; and the minister pressed his cold damp hand, and whispered in his ear of repentance and forgiveness of sins, and of the love and charity he owed to all his brethren; and then, still pressing his hand and whispering, drew back, and the drop fell, and the repentant and forgiven brother in Christ was strangled like a dog.

And when the last convulsive twitch was over, and all the multitude which had gathered together to witness the dying agonies of their brother, had separated and returned to their homes, the widow came weeping with her children in her hand, and threw herself at the jailer's feet, and besought him, saying, "Give me at least his body, that I may bury it in the churchyard beside his fathers, where, perhaps, myself and my children may one day be laid." But the jailer drove her away, saying, "Begone, woman, and know that the vengeance of man pursueth its victim even beyond death." And he took the body, and buried it in the jail yard. And the widow went away sorrowful, and begged bread for her children among those who had killed their father, until they arrested her for being a vagrant, and imprisoned her in that same jail, and sent her children to the workhouse.

THOUGHTS ON THE DOCTRINE OF ORIGINAL SIN.*

"Lo, this only have I found, that God hath made man upright, but they have sought out many inventions."—Ecclesiastes vii. 29.

It is not uncommon to hear these words quoted, as though they afforded some countenance to that lamentable corruption of Christian doctrine, which has received the name of Original or Birth Sin. As the fair inference appears to me to be precisely the reverse, a few remarks on them may be a suitable introduction to what is further to be offered on this subject.

I observe, therefore, that when it is said "God made *man* upright," it is not any particular individual man that is spoken of; least of all our first progenitor Adam, whose name is not mentioned, either here or in any part of this book—but the human race, or human nature in general. This will be obvious when we consider the connection, "God hath made man or mankind upright, but *they* have sought out many inventions." It is not the sin of Adam, or of any other individual, which is said to have introduced universal corruption in place of the original purity and uprightness of human nature, and thus defeated the wise purpose and design

* A Reprint of a Tract, published by W. Turner, Jun., M.A.

of the beneficent Creator. On the contrary, as to his frame and constitution, every human being is what his Maker intended him to be. God has formed him upright, or rather (as the word might be more exactly translated), formed him *right*. The whole frame of human nature, such as we find it in ourselves and our fellow-creatures around us—the constitution both of body and of mind, with which we are endowed, liable though the one may be to disease and death, and the other to error, temptation and sin, bears no marks of the wrath of Him who made it, but, on the contrary, exhibits the proofs of His wisdom and parental kindness. Man is in truth the creature of God. He is fearfully and wonderfully made, and in all respects admirably adapted to the situation in which he is placed, considered as a scene of trial, probation, and discipline, which is intended to fit and prepare him for a future immortal state.

And here I am desirous to observe in the outset, that in using these expressions, I would be understood as speaking, not of Adam, or of any peculiar nature or faculty which he is supposed to have possessed, but of *men* as they now exist—of that constitution of which we are conscious in ourselves, which renders us rational and moral beings; fit subjects of that moral government which our heavenly Father exercises over those whom he calls not merely His creatures but His children, in virtue of which they are even said to be created in his image. For in such terms do we find the sacred writers speaking, not merely of Adam, but of all his descendants after him. It is true, these latter are often spoken of as a lost and abandoned race; *fallen* man is said to be degraded from his first estate, depraved and corrupted to the very core, altogether born in sins. Such language as this, however, is used, not in Scripture, which alone could authorize its employment by us, but only in catechisms and creeds, the compositions of fallible men. In short, I see no ground, either from Scripture or from our experience of the actual condition of man, to suppose that in natural capacity for knowledge, righteousness, and holiness, he is now, or ever has been, inferior to his first progenitor.

Nevertheless, man has fallen; he has sinned;—all men have sinned, and come far short of their duty. This unhappily admits of no dispute; and it becomes every one, in meditating upon man's liability to sin, as evinced in his own multiplied failings and transgressions, to humble himself before God in a deep feeling of his own unworthiness; not to cast the blame upon his Maker, as though he had been framed with an especial leaning and propensity to sin; but to refer his offences to their true cause in *his own* abuse and neglect of opportunities, in his own uncontrolled or unsubdued passions, in "the lust of the flesh, the lust of the eyes, and the pride of life."* "Let no man," says another apostle, "when he is tempted, say, I am tempted of God; for God cannot be tempted with evil, neither tempteth he any man, but every man is tempted when he is drawn away of his own lusts and enticed."†

It has been justly remarked, and the saying well deserves our attention on many accounts, that the mere fact of man's liability to

* I. John, ii. 16. † James i., 13, 14.

sin is so far from being in itself a mark of God's displeasure, either against ourselves or against the first transgressor, that it results from, and seems in the present state of things to be a necessary consequence of, his bounty and great goodness to his rational creatures.* For, first, what *is* sin? The apostle John defines it. "a transgression of the law." But a law, properly speaking, is a rule of action prescribed to a rational and intelligent being, of which he is able to perceive the propriety, and acknowledge the obligation. If there were no law, there could be no transgression; as St. Paul says,† "sin is not imputed where there is no law;" and again,‡ "the strength of sin is the law." In this respect, therefore, it is undoubtedly true, that man was and is liable to sin, not in consequence of any *fall* or degradation of his nature, but as the result of his high powers, and the eminent intellectual and moral faculties with which he has been endowed by his Maker. Brutes cannot sin; but is this any mark of excellence or superiority in their nature? By no means; it is because they are not furnished with faculties which enables them to receive a law, to discern its wise adaptation to their own wants and circumstances, to acknowledge the superior authority of the source from which it proceeds, and their own consequent obligation to observe and obey it.

Again, all the principles of our nature which expose us to temptation are in fact essential and indispensable parts of our constitution. They are not *corruptions* of our nature, but desirable endowments with which it has been furnished and adorned by its Author—not in His wrath and sore displeasure, but out of the overflowing of His great love and kindness to the children of men. Thus our *bodily senses*, which enable us to discern and admire the works of creation, to acquire the materials upon which the powers of the mind are afterwards to be employed, and without which they could not be called into exercise and cultivation at all—what are these, but inlets to temptation? Our eyes enable us to see many desirable objects; among the rest many things which cannot be obtained without transgressing the laws of God and committing sin. Our eyes thus bring temptation in our way, and may be the instruments by which we are seduced into the paths of sin; but shall we therefore contend that our being able to see is a proof that our natures are corrupt and depraved? In like manner, our *appetites* are useful and necessary parts of our constitution, the occasions of much immediate pleasure, and as such, a mark of God's bounty and kindness in making a provision for our comfortable passage through this world. When kept in due subordination, and taken into connection with other more elevated principles of our nature, which they often excite and call into action, they are the means of enlarging our powers, of gradually preparing us for more refined and valuable enjoyments, and a more spiritual state of existence. Without them, man could not have been what he is; nor would he have been adapted for the place he now holds in the scale of God's creation. But it is evident that they also often lead

* See "Last Thoughts on Various Important Subjects," by Noah Worcester, D.D., p. 15.

† Romans v., 13. ‡ I. Corinthians, xv., 56.

him astray. They are apt to engross to themselves an excessive share of our attention; at the same time that they excite us to diligence and activity in order to acquire the means of their gratification, and thus call the powers of the mind into exercise and improvement, they too often prevent these powers from being directed to other pursuits more excellent and truly worthy of them. They often tend to exclude more elevated pursuits, and the instruments of more substantial and durable happiness. In our eagerness after the inferior pleasures they set before us, we are tempted to violate or neglect the laws of God, when these require from us a course of conduct which involves restraint and self-denial. But shall we therefore say that it would have been better for us, if we had not been furnished with these principles at all, and by consequence had been incapable of deriving pleasure from the various objects which make impressions on our senses?

Our *rational nature* is so constituted as to enable us to take a lively interest in many pursuits on which a rational being alone is competent to enter, and which afford us many valuable sources of happiness and improvement. Thus, in consequence of the various advantages we derive from the possession of knowledge, we learn to take pleasure in its pursuit and acquisition for its own sake; and that principle of *curiosity* which is characteristic of our natures, and the more remarkably so in proportion as our powers are cultivated and improved by education, is gradually formed in every man's mind. No one, I am persuaded, who has ever felt this desire, or who has experienced the pleasures which flow from its gratification, can seriously think it would have been better for man to have been without it; or will hesitate to acknowledge it as a most signal proof of our Maker's care and bounty to us his favoured creatures, that he has herein made us but a little lower than the angels,—that he has empowered us to engage in employments which enable us to know ourselves, to discern his image in his glorious works, and "look through nature up to nature's God." And yet it is manifest, that this very principle is the source of many and great temptations to sin. The admiration which is bestowed on those who are looked up to as philosophers and wise men after the flesh, and the influence which they are permitted to exercise over those who acknowledge their superiority in these respects, occasion no small portion of jealously, rivalship, and animosity among such as aspire after distinction in this way, and too commonly lead them to seek after their chief happiness in a regard for the praise of men. It has been frequently observed, that men of learning and extensive knowledge have often appeared not more remarkable for their eminent and valuable attainments, than for the vain glory and conceit which attend them. And this same principle of curiosity is still more frequently found in a lower sphere to lead to abuses not less lamentable. But we do not on that account seek to root it out altogether from our minds; or wish it had never been there, merely because we should not then have been exposed to some temptations which now occasionally betray us into sin.

The same general remark will apply to other desires which appear to prevail more or less wherever men are found, and which

may therefore be thought to be essentially connected with, and to arise out of, a rational and intelligent nature. Such are the desire of esteem, the desire of power, the love of eminence and distinction. These are continually urging men on to active exertion, and enter largely into the motives which stimulate to the most honourable labours and the noblest sacrifices. They are not, it must be confessed, the most elevated principles of action of which our nature is capable; though it may be doubted whether those minds which are in a great measure insensible to their influence, at least in the earlier stages of their growth, ever make any considerable progress in intellectual and moral improvement. But these principles may be abused and perverted. They may betray an ill-regulated mind into the follies of pride, vanity, and self-conceit;—into that inordinate ambition which scruples no means to acquire power, and hesitates not to use it when acquired for base, selfish, and unworthy ends. Here, therefore, it again appears that the characteristics or principles of our nature which render us liable to sin by exposing us to additional and peculiar temptations, from which we should otherwise be free, are not proofs of our Maker's wrath and displeasure; nor do they indicate, as some would have us believe, a *disjointed, fallen, ruined* nature. On the contrary, they are essential parts of the constitution with which our heavenly Father has endowed us in his love and gracious kindness;—they are destined, and well adapted by Divine wisdom to be the instruments of present happiness and of moral improvement, leading the way to higher attainments, to greater and more substantial happiness hereafter.

The same may be said of the *affections*;—of gratitude, friendship, patriotism;—of parental attachment, of filial love. If any principles or sentiments can be said to be truly characteristic of human nature in its present state, surely these are they; and it will hardly be maintained by any, that it would have been better if we had been without them, or if they had been weaker and less influential than they commonly are. On the contrary, it will be admitted, if I mistake not, on all hands, that these affections are the source of a large portion of the purest happiness of which we are capable in this moral state;—and not only so, but that they furnish the *elements*, if I may so call them, of our religious and moral education, by which this world is peculiarly fitted to supply a discipline which shall prepare us for a more advanced and elevated state of existence. They supply us with many of our worthiest and most powerful motives to action;—they tend to draw us out of ourselves, teaching us to mind not our own things merely, but the things of others, to weep with them that weep, to rejoice with them that rejoice, and to take a deep and lively interest in whatever contributes to the improvement and happiness of our brethren of mankind. It is therefore undeniable, that that original formation of our natures which made our souls susceptible of these feelings, and that constitution of human society which has established us in various social relations with our fellow-creatures, and has thus led to the development and cultivation of these affections, are among the best and most valuable gifts of a kind Providence. We should not infer from hence, that human nature is a *ruin*, but

rather that it is a fair and lovely temple, erected under the auspices of Divine wisdom, destined to be sanctified and honoured by being devoted to the worship and service of its Great Founder, and to receive continually more and more glorious embellishments from his adorning hand. And yet it is equally undeniable, that every one of these excellent and valuable gifts may be, and often is, the occasion and instrument of sin,—the inlet of new and strong and various temptations, to which we should not otherwise have been liable. The tender ties of family affection may blind us to the imperfections of their objects, and lead us so far to concentrate all our thoughts, and exertions, and labours for the single purpose of promoting their interests, as to neglect what is due to still higher and more important objects. Friendship, instead of being directed to those who really deserve our esteem, or are likely to be of essential service to us by the possession of valuable qualities and endowments, or by furnishing useful advice and assistance in important pursuits, or by setting an edifying example of piety and virtue inciting us to follow in their steps, may be so perverted as to become one of our most fatal and dangerous snares. Under the name and guise of friendship, we may be misled by those evil communications which corrupt good manners. The evil enticements and seductions of sinners, set off and adorned as they often are by qualities in themselves fitted to attract our esteem and admiration, may carry us far away from the path which leadeth unto life. The very desire of promoting the prosperity of our friends, may often tempt us to resort to means for this purpose utterly inconsistent with other and higher duties. Perverted patriotism has but too often led the way to the blackest sins and deepest woes that have ever afflicted the world and degraded human nature.

It would be easy to follow out this general observation further, in its application to a greater variety of examples; and I apprehend we should find, that in examining the sources and occasions of sin, when we ask the question, what is it that renders man *liable* to sin, we might almost always put the question in this form,—what is it that renders man *capable* of sinning? In short, we should find that in every case the causes of transgression are the perversion or corruption of those very principles which are the true glory of our frame,—which are essential to the happiness, almost to the existence of society among men,—which are required in order to render this life what it was evidently intended to become, a school of moral and religious education, where, as children and pupils in this earliest stage of our rational existence, we are gradually trained to a fitness for a more enduring and exalted state.

That men sin, therefore, is no proof that their natures are utterly depraved and degraded; or that they are fallen from the state in which our first parents were created,—or that in consequence of Adam's first transgression, it has pleased our Maker to frame all his posterity with souls radically corrupt, and naturally incapable of doing a good action, or harbouring a single thought that is not essentially sinful, and deserving of God's wrath and curse for ever. However frequent such revolting expressions as these may be in the creeds and theological systems of men, we shall look for them

in vain, or for anything like them, in holy writ. Thus we are assured in our text, that whatever any man may have made himself, God made him *right*. He has endowed him with no principles which are in their own nature, and essentially, corrupt;—the human frame and constitution is throughout a masterpiece of Divine workmanship, admirably adapted to the condition of man in his present state, and necessary to the purposes of his being. Nevertheless, it appears that all these principles, not excepting the most elevated, important, and indispensable, may in certain circumstances become the occasions of sin;—they lay us open to additional and peculiar temptations; and consequently, at the same time that they increase our powers and add to our enjoyments, and serve to arise us to a higher dignity and excellence in the scale of created existence, they make fresh calls upon us for watchfulness and self-control. They require continued attention and diligence, with fervent prayer to God, to guard us from their abuse and misapplication. While we justly bless and praise our Maker for his great goodness in having thus created us in his own image, we should combine with our thankfulness a continual seeking for the grace of God to direct us in the right use of our powers.

The view which we have now taken of sin, as arising not from any thing originally corrupt in our nature, but from our own perversion and misapplication of that which God made right and adapted to the best and most excellent purposes, may serve to deepen our humility and self-abasement in reflecting on our multiplied failings and transgressions. Whatever others may do, *we* cannot soothe our consciences with the pretence that as we inherited a constitution originally sinful and debased, naturally incapable of anything better, so we may be excused in yielding to the irresistible propensities of our nature, and cannot be reasonably blamed for doing only that which it was impossible for us to avoid. Our doctrine suggests no such plausible apology for sin; nor does it enable us to cast the guilt or the burden of it from ourselves, seeing that it is *we* who have sought out the many inventions and corrupt devices which have converted what God intended as the means of happiness into instruments of degradation, sorrow, guilt and shame.

I am well aware that this is far from being a *popular* view of this subject; nor do I much wonder at it, when I consider how eager men commonly are to lay hold on everything which seems to promise an apology or excuse for their vices, or may furnish a plausible ground for throwing the blame of them in any quarter but the right one; namely, their own acquired selfishness, sordid desires, and ill-governed passions. With such men a system which authorizes, and indeed requires them to regard the nature which God has given them as sinful to the very core, may well be popular, since it relieves them from the heavy responsibility of those vicious indulgences on which their hearts are set. "How can I," such a man will say, "be held answerable for my offences by those who allege that I was born with such a constitution of body and soul as makes me capable of nothing else but sin? How can I suppose that He whose attributes are infinite mercy and impartial justice will require at my hands what He has made me unable to perform, or will punish what is the inevitable result of the frame

and innate principles of action with which He hath Himself endowed me? If I have no reason to suppose that I am in the number of the elect, and my unregenerate nature is therefore still essentially and radically corrupt, so that in spite of my best endeavours, all I do and think must be only evil and that continually, why should I trouble myself about self-control and self-government? Why should I hesitate to gratify my present inclinations, and act according to the nature which it has pleased the Author of my being to give me?"

Far be it from me to insinuate that the *preachers* of this doctrine are accustomed to draw from it such practical conclusions as these. I know well that they commonly take pains to reconcile it to the dictates of what I rejoice to believe is the *natural* bias of the human mind, in favour of holiness and virtue. But I am not on that account the less persuaded, that such inferences as I have described are those which will most readily present themselves to the sinner who is anxious to find some plausible apology for persisting in his evil ways; and I must acknowledge they appear to me so decidedly the most natural and reasonable inferences, that I cannot for a moment doubt that they are in fact deduced and acted upon by many.

I cannot but rejoice in my inability to put my readers off with such "smooth preaching" as this. I cannot tempt any man to lay the flattering unction to his soul which is fairly derived from the doctrine that he was altogether born in sins, and is naturally capable of nothing better; that he has received from his Maker, or inherited from Adam (it matters not which, for to my mind these expressions amount to the same thing), a nature disabled from good, and wholly prone to evil. I am bound to remind him unceasingly, that God has made him *right*; by which I mean, not that He has made him holy and good—that must be his own work—but that He has so wisely constructed his frame, and inspired him with such admirable faculties and principles of action, and placed him in such circumstances tending to promote their development and due cultivation, as to leave him altogether without excuse, if he still falls away after one or another of those many inventions which sinful men have sought out for the indulgence of their own inordinate passions and craving lusts. Without doubt we are all so placed, as to expose us to multiplied temptations; our Maker knows it, and intended it. But this is essential to the main design of the present state, which was destined to be a scene of probation and discipline for the formation and development of our moral nature. It should be a motive with us to watchfulness and prayer, that we may not be *so* led into temptation as to fall under its evil influence. While we feel ourselves exposed to danger, we shall be excited to avail ourselves to the utmost of the opportunities and advantages which our condition supplies. We are born, it is true, into a world where sin hath entered; but it is a world into which virtue hath entered also. Are we in danger from the enticement of sinners? Let us derive support and encouragement from the bright examples of all Christian graces. Are we painfully conscious in ourselves of the weakness of human

nature? Let us admire and imitate its strength, as we may often behold it displayed in a glorious and successful struggle with the powers of darkness—having derived wisdom from experience, self-possession from moral discipline, arrayed in the armour of God through faith in Him who hath overcome the world. Let us be of good cheer then, and brace up our courage for the contest. Our heavenly Father hath furnished us amply with the means, and in the word of His grace he hath given us light to direct us in our course, and encouragement to persevere unto the end.

Remember it is He that hath made you what you are, not for sin, but that you may press forward towards perfection. Strive thus to accomplish your destination, in a diligent use of the means he hath provided, and fervent prayer for guidance from above, and your labour will not be in vain in the Lord.

MRS. DANA'S LETTERS.

[" Letters Addressed to Relatives and Friends, chiefly in Reply to Arguments in Support of the Doctrine of the Trinity. By Mary S. B. Dana. Boston, 1845."]

LETTER III.

SCOTT AND WHITBY.

My dear Father:

I have shown you how, to my mind, the passages you have mentioned may be reconciled with the doctrine of the subordinate nature of the Son of God. My mother has requested me to read prayerfully the Gospel of St. John, with the notes and comments of Dr. Scott. I have done so, but no new light has been introduced into my mind, and my sentiments remain unaltered. I find that a great many of the notes touching the supreme divinity of the Messiah, are accredited to Dr. Whitby, and it strikes me that it is not quite fair in Scott to publish the sentiments of an author — to give them to the world as his opinions —when that author has formally and solemnly retracted those very opinions. This has been done by Dr. Whitby, and he has in doing it, made use of such language as the following: "Nothing," says he, "but the love of truth can be supposed to extort such a retraction from me, who, having already lived so long beyond the common period of life, can have nothing else to do but to prepare for my great change; and, in order thereunto, to make my peace with God, and my own conscience, before I die. To this purpose I solemnly appeal to the searcher of hearts, and call God to witness, whether I have hastily, or rashly, departed from the common opinion; or rather, whether I have not deliberately and calmly weighed the arguments on both sides drawn from Scripture and antiquity." Now it may be that Dr. Scott has somewhere given some information to the simple and unlearned readers of his commentaries, that the man, whose opinions he has so freely quoted in regard to the Deity of the Son

of God, *afterwards solemnly retracted those opinions;* if he has not—and I have never been aware that he has—then I say it is at least *a question* in my mind whether the procedure was perfectly candid and honest.

Dr. Whitby says. "When I wrote my commentaries on the New Testament, I went on, too hastily I own, in the common beaten road of other reputed orthodox divines; conceiving, *first*, that the Father, Son, and Holy Ghost, in one complex notion, were one and the same God, by virtue of the same *individual* essence communicated from the Father." . . . . . "Then, as a natural consequence from this doctrine, I, *secondly*, concluded that those divine persons differed only *in the manner of their existence*. That the difference can be only *modal*, even Dr. South hath fully demonstrated; and that this was the opinion generally received from the fourth century, may be seen in the close of my first part to Dr. Waterland." Dr. Whitby then goes on to prove that the orthodox Anti-Arian fathers condemned this very doctrine as rank Sabellianism; and this he proves from the words of Athanasius and Epiphanius; both testifying, that to say the Father and the Son were *of one and the same substance was Sabellianism*. "And surely," he says, "to contend that this is the doctrine of the Church of England, is to dishonour our Church, and in effect to charge her with that heresy which was exploded with scorn by the whole Church of Christ from the third to the present century." And yet, my dear father, this doctrine is what my catechism taught me; viz., "*the same in substance*, equal in power and glory."

Dr. Whitby goes on to prove, from Scripture, and the fathers of the first three centuries, incontestably, as it appears to me, that the nature and powers of Christ were entirely derived from the Father. "The primitive fathers," says he, "of the first three centuries do also generally agree that the Son received his power from the Father, as it hath been observed already. And particularly Hippolytus, 'that his knowledge was given him by the Father:' to which the orthodox are forced to say that he received this power, this dominion, and these attributes, by receiving the same individual essence with the Father; which yet is a thing impossible in itself, since an *individual* essence cannot be communicated, for that very reason, because it is an individual; that it is one, and no more."

Again, he says, that they who style themselves orthodox "constantly assert, that the will, power and wisdom of the whole Trinity is one and the same; and that what one wills, does, and knows, they all will, do, and know, by virtue of this unity of essence." Again, "that where the numerical essence is one and the same, the will and actions of that essence must be one and the same. And where the will and actions are numerically distinct and diverse, there the individual essence must also be distinct and different. And this Damascen declares to be the doctrine of the holy fathers. Hence it demonstratively follows, that, if the essence of the Father, Son, and Holy Ghost, be

numerically one and the same, the will, and all the other actions of these three, must be numerically one and the same; so that, what the Father wills and does, the Son and Holy Ghost *must* will and do also."

Now, my dear father, if the three persons in the Trinity have *one mind and will*, how could Christ say he came not to do his own will, but the will of Him that sent him? "I seek not mine own will, but the will of the Father which sent me." He was speaking of a will which he *came* to do, and therefore must have reference to the mind and will which *devised* the scheme of redemption, in other words the *divine* will, and this will, he says, was the will of another. Now, it has been shown, that, according to the orthodox belief, the Father and Son have *the same mind and will;* but Christ, by these declarations, most plainly and fully contradicts the assertion.

On the question whether the absolute equality of the Son with the Father, or the doctrine of the Trinity, was known to the earliest Christian writers, I have collected from Whitby's *Last Thoughts* the following remarks: "The hypostatical union" was "broached first by Cyril of Alexandria, and by Theodoret pronounced to be a thing unknown to the Fathers that lived befo e him. . . . . Origen proceeds, page 387, to show, that, among the multitude of believers, some, *differing from the rest, rashly affirmed*, as the Noetians did, that our Saviour was the God over all, which, saith he, 'we Christians, or, we of the Church, *do not believe;* as giving credit to the same Saviour who said, my Father is greater than I.' And he saith, 'we Christians manifestly teach, that the Son is not stronger than the Father, who is the creator of the world, but inferior in power to him.' Which words afford the clearest demonstration that the Church of that age did not believe that our Saviour was the Supreme God. Novatian is, if possible, still more express in his interpretation"—that is, of the text, I and my Father are one. "For in answer to the objection of the Sabellians from this place, he saith, 'that *unum* being here put in the neuter gender, denotes not an unity of person, but a concord of society between them; they being deservedly styled *one*, by reason of their concord and love, and because, whatsoever the Son is, he is from the Father.' Pampelius's note upon these words is this: 'Novatian did not write accurately in this place, as making no mention of the communion of the essence between the Father and the Son, but introducing an example from the apostle contrary to it; in which thing I doubt not to pronounce him erroneous, seeing the Church *afterwards*, in diverse councils, defined the contrary.' Many of the anti-Nicene Fathers in effect said the same thing. Justin pronounces the Son to be 'another from the Father in number, but not in consent.' Because he never would do anything but what 'the Maker of the world, above whom there is no other God, would have him do and speak.' Eusebius pronounces the Father and Son to be one, 'not as to the esssence, but as to communion of glory.' The Council of Antioch pronounced the Father, Son, and Holy Ghost, to be

'three in subsistence, but one only in consent' or concord. Novatian says, God the father 'is that one God, to whose greatness, majesty and power, nothing can be compared.' And indeed, all the Greek Fathers, from Justin to Eusebius inclusively, do frequently inform us that the Son 'did obey the will of the Father,' that he did 'minister and was subservient to him,' &c., &c."—*Whitby.*

Sir Isaac Newton's opinions in regard to the Trinity may be gathered from his "Historical Account of Two Corruptions of Scripture." In the number for Oct. 1823, of Sparks's Collection, he says: "Whiston tells us of his," Newton's, "profound knowledge of Church history during the three first centuries of the Christian era, and of his having been convinced by his study of this history, that the doctrine of the Trinity was introduced into the Christian scheme many years after the time of the apostles. The tenor of Newton's writings is in accordance with this declaration, nor do they exhibit any evidence that their author ever believed in a Trinity. The charge against Horsley of having suppressed his papers because they were adverse to this doctrine, has never been contradicted."

You have mentioned to me, my dear father, the fact, that in Pliny's letter to Trajan, he testifies that the early Christians worshipped Christ as God. Now that letter conveys a very different impression to my mind; and, it seems to me, is very far from proving that they made our Saviour equal with God. Bear in mind that it is the testimony of a man whose heart was filled with hatred against the Christians; so much so that he says, "it has been a question with me very problemetical, whether any distinction should be made between the young and the old, the tender and the robust; whether any room should be given for repentance," &c. Now all that he testifies is this; and remember too that he is only giving the testimony of those who were in the act of *retracting*, and of course would do their utmost endeavour to please the enemies of Christianity—"that they were accustomed, on a stated day, to meet before daylight, and to repeat among themselves a hymn to Christ, as to *a God*, and to bind themselves by an oath, &c." Bear in mind also that the term worship (for though it is not used in Pliny's letter, it is inferred from it) was used in the early ages of the Church with as great latitude as the term God, and did no more *always* mean *supreme* homage than the term God *always* meant the *supreme* Being. Nebuchadnezzar "fell upon his face and *worshipped* Daniel," but not as the supreme God; and the eastern sages worshipped the infant Jesus, but not as the supreme God. On the whole, this expression in Pliny's letter, on which so much reliance is placed in all the ecclesiastical histories written by Trinitarians, goes *very far* towards convincing me that the early Christians did *not* regard Christ as equal with the Father.

I have a few remarks to make in regard to the Gospel of John. It is generally supposed that the apostle John wrote his Gospel to supply what had been omitted by the other evangelists. He

could not have written it to prove the human nature of our Lord; that was a self-evident truth. Nor could he have written it to prove his divine nature, for the drift and tenor of the book evidently imply an inferiority of some kind to the Father. If his main object was to prove that he had *two natures*, it is strange that he pays so little attention to it. If that were his object, would he not, as a man of common sense, much more as a man inspired by God, have so announced it, that, at least, the proposition could be stated in his own words—not by taking detached portions of the book, laying them together, and inferring what his object was—but by the clear, explicit, *unquestionable* statement of the doctrine which he was writing a book to establish. It appears plain to me, that his object was to prove *the divinity of the mission* of his beloved master: that he came from God with full power and authority to establish a new dispensation—to create all things new. And this view throws a flood of light upon the whole book, especially upon the fourteen first verses, which can thus be explained in several ways without a resort to the perplexing and impossible ideas of three perfect beings equal to one perfect being; or of two incompatible natures, with different perceptions existing in one of those beings. For it is only on this hypothesis that the declaration of Christ respecting the day and the hour which no man knew, *neither the Son*—and several other declarations—can be explained without impeaching the veracity of our blessed Lord, in whom was no sin, neither was *guile* found in his mouth. But if the divine and human will of our Saviour were one and the same, and the will of three persons in the Trinity—of whom he was one—was one and the same, Christ virtually said, I seek not mine own will, but the will of myself, &c. In fact, just try to read the New Testament, with this idea, which grows naturally out of Trinitarianism, in the mind, and you will see what sad confusion it makes. May the Holy Spirit guide us into all truth!

POETRY.

HYMN.

INFINITE and Eternal Thou!
Fountain of life and light;
To Thee only would we bow—
Thee strive to serve aright!

Strengthen our wills, and give us power,
Thy holy laws to keep;
Be with us in temptation's hour,
'Mid pains and sorrows deep!

Through all the trying scenes of life,
Be Thou our constant friend;

Forsake us not, 'midst worldly strife,
Where wealth, power, sin, contend.

O make us humble, useful, loved,
Whilst we are pilgrims here;
And when to heaven we are removed,
May bliss await us *there!* G.

SELECTIONS.

BIBLICAL ASTRONOMY.

The Hebrews, even in patriarchal times, were acquainted with certain of the lesser heavenly bodies. Job speaks (ix. 9) of Arcturus, Orion, and Pleiades. The heavens would naturally attract the attention of these early tenants of the earth, especially in Arabia and Palestine, the rather because, as shepherds, they passed much of their time in the open air, watching their flocks by night as well as by day. While engaged in the musings to which such a position would naturally give rise, they would, under the influence of a creative imagination, easily be led to form the stars first into groups, and then into the shapes of animals. Hence rose the signs of the zodiac. The word which, in the common version, is rendered Arcturus, means probably the Great Bear. The sons of Arcturus (Job xxxviii. 32) are the stars that accompany it, now called 'the tail of the bear.' Herder renders the words in the passage last referred to—'Lead forth the bear with her young.' The passage speaks of the constellation as conducted round and round the pole as by some unseen hand, like a mother with her children. God is made to appeal to this phenomenon as a manifestation of his majesty and power, and as far above the skill of man. Who ever looked on that beautiful constellation, and marked its regular revolutions, without feeling that its position and movements were such as the Almighty Creator only could produce?

Orion was a constellation which was conceived of as a mighty and impious giant bound upon the sky: hence the expression, 'Canst thou loose the bands of Orion?' (Job xxxviii.31). According to eastern tradition, this giant was Nimrod, the founder of Babylon. By the aid of a telescope, about two thousand stars have been seen in this constellation; and, in what is termed 'the sword of Orion,' there is a nebula, almost visible to the naked eye, which is computed to exceed the sun in size two trillions two hundred thousand billion times. Surely, if Job found in the starry heavens evidence for the power, providence, and majesty of God, we have incomparably greater reasons for so doing with the sublime views which astronomy has in our time laid open.

The Hebrew word rendered Pleiades, denotes *a cluster*. The name is given to the cluster of stars in the neck of the constellation Taurus, of which six or seven may be seen by the naked eye; but as many as two hundred have been counted by the aid of a telescope.

The morning star was known (Isa. xiv. 12. Rev. ii. 28). In Job xxvi. 13, is mentioned 'the crooked serpent;' the Dragon is still one of the constellations; it lies between the Great and the Little Bear, spreading itself as it were, in windings across the heavens. The Zodiac is also mentioned in Job xxxviii. 32, under a name which signifies dwelling places or lodgings, because in them the sun appears to dwell one after another. Of the separate signs, only one is mentioned, namely, the Twins (Acts xxviii 11). by the terms 'Castor and Pollux.' 'The chambers of the south,' in Job ix. 9, may indicate the stars hidden in the southern hemisphere, or rather in a southerly direction, in the dark recesses of the south. In Job xxxviii, 33, Jehovah asks, 'Knowest thou the ordinances of heaven?' We are apt, in the knowledge of astronomy which we now possess, to think that Job's knowledge was most insignificant, even when it was true. And, certainly our acquaintance with these 'ordinances' is sufficiently great and accurate to foster within us the most deeply felt piety; but, after all that Tycho Brahé, Kepler, Newton and others have taught, we have learnt to small purpose, if we are not convinced that what we know is, relatively to what remains to be learnt, only little more than was known to the patriarchs of old. And those who condemn the Bible, because it does not teach as much as the *Mécanique Celeste* of La Place, in effect condemn that work itself, which, there is every reason to believe, will, in process of time, have to give place to more comprehensive as well as more exact views of the vast and immeasurable universe of God. A work which sets forth the highest truth of its age—especially, if, like the Bible, it applies that truth to the great purposes of religion—will be regarded by all wisely judging men as "a pearl of great price," and "a possession for ever," notwithstanding any changes which may be brought by the constant advances of a ceaselessly progressive civilization.

About A.D. 1500, Copernicus had satisfied himself that the sun is the centre of the solar system. In 1610, Galileo, having invented a telescope, discovered Jupiter's satellites, and the moon-like phases of Venus. These discoveries supplied additional arguments for the truth of the Copernican system. This system Galileo defended in his writings, which were, on that account, condemned as heretical by the Inquisition, who, on the generally received opinion that the Scripture taught that the earth, a stationary body, was the centre of the world, accounted the new opinions to be contradicted by, and hostile to, the Bible. There thus appeared to exist a contrariety between Scripture and science. This contrariety has been met by drawing a distinction between religious and physical tenets. The former it is the object of the Bible to teach. In the case of the latter, it merely reproduces what in any period it finds prevalent. "On this point," says Professor Whewell,—"Indications of a Creator," p. 5,—"it is reasonably held that the phrases which are found in Scripture respecting astronomical facts are not to be made use of to guide our scientific opinions; they may be supposed to answer their end if they fall in with common notions, and are thus effectually subservient to the moral and religous import of revelation.

"The meaning which any generation puts upon the phrases of Scripture, depends, more than is at first supposed, upon the received philosophy of the time. Hence, while men imagine that they are contending for revelation, they are in fact contending for their own interpretation of revelation, unconsciously adapted to what they believe to be rationally probable. And the new interpretation which the new philosophy requires, and which appears to the older school to be a fatal violence done to the authority of religion, is accepted by their successors without the dangerous results which were apprehended. When the language of Scripture, invested with its new meaning, has become familiar to men, it is found that the ideas which it calls up are quite as reconcilable as the former ones were with the soundest religious views. And the world then looks back with surprise at the error of those who thought that the essence of revelation was involved in their own arbitrary version of some collateral circumstance. At the present day, we can hardly conceive how reasonable men should have imagined that religious reflections on the stability of the earth, and the beauty of the luminaries which revolve round it, would be interfered with by its being acknowledged, that this rest and motion are apparent only."—*People's Dictionary of the Bible.*

NEW BOOKS.

The True Grandeur of Nations: an Oration delivered before the Authorities of the City of Boston, July 4th, 1845. By CHARLES SUMNER, Esq., Boston, Massachusetts. London: William Smith.

WE wish to bring this eloquent oration under the notice of our readers. It is an elaborate discussion of the subject which is now engaging so much of the attention of the Christian word,—*the subject of war.* All the bearings of this monster-evil upon the men who are employed in it, and upon the nations that support it, as well as all its relations to Christian duty, are handled with a power of argument and beauty of illustration, which are worthy of the great theme—and which must produce a most desirable effect upon the remaining advocates of "the trial" of nations "by battle."

After defining war as "*a public, armed contest between nations in order to establish* JUSTICE *between them,*" Mr. Sumner proceeds to consider first, "the character of war, or that part of our nature in which it has its origin." This he proves to be the lowest which is possible. "Reason," he says, "and the divine part of our nature, in which alone we differ from the brutes, in which alone we approach the Divinity, in which alone are the elements of JUSTICE—the professed object of war—are dethroned. It is, in short, a temporary adoption by men of the character of wild beasts, emulating their ferocity, rejoicing like them in blood, and seeking, as with a lion's paw, to hold an asserted right." The *effects* of this abandonment of all that is noble, and adoption of all that is base in humanity, are next described with remarkable ability. They are—the severance of all the relations of friendship and trade, between the two nations engaged in war; the turning their white doves of commerce, which bear the olive of peace from land to land, into

ministers of destruction; the snapping of those threads of social and business intercourse which have become woven into a thick web, that affords comfort and support to myriads; the prohibition of those communications between friends which now give expression to so many human affections and desires; the breaking of the hearts of tender wives, mothers, sisters, brothers, who have fondly looked for support and blessing from those who fall amid the cannons' roar, and, above all, they are murder, robbery, rape, and arson, the very crimes that fill our prisons and ensure at home our unqualified condemnation. This portion of the subject has been treated by Mr. Sumner, at greater length and with greater effect, than is usual. He who can look upon the picture of the atrocious though natural consequences of war, which has been drawn by him from the histories of the conquest of Genoa by the Austrians, and yet remain an advocate of war, must be beyond the power of moral suasion, and destitute of all the best characteristics of our nature.

From these heart-stirring descriptions of the miseries of war, our author turns to "*its incapacity to secure or advance the object at which it aims*," and adduces as evidence of this, the fact, that in many of the great wars which have desolated the world, "peace has been gladly obtained on the basis of the condition of things before the war—*the status ante-bellum*. He instances the last American war with Great Britain. Under this head he also draws a parallel between national war as a means of establishing justice in the present day, and the civil wars of Rome, and particularly the judicial combat or trial by battle, in the middle ages; for the suppression of which within his jurisdiction, he passes a most deserved eulogium upon St. Louis. The influences and prejudices which are most powerful in keeping alive the war-spirit, are next, briefly, considered in succession. They are those which are founded *on the belief in its necessity: on the practice of nations*, past and present; and those which are engendered *by the Christian Church; by the army itself, particularly its idea of honour; by a selfish and exaggerated love of country*, leading to its physical aggrandizement at the expense of other countries; and *by the costly preparations for war in time of peace*. These topics are all treated with a freedom and candour which do infinite credit to the writer. His remarks upon *the point of honour*, deserve the especial attention of our naval and military men; and those upon preparations for war in time of peace, ought to be read, marked, learned and inwardly digested by the people at large. Surely, when they are aware that the war expenditures of this country bear the enormous proportion of 74 per cent. to the general cost of supporting the Government, they will, if from no other, yet from a pecuniary motive, demand the abandonment of our costly system of national defence. Mr. Sumner has produced good reasons why the standing army, the navy, the fortifications, and the militia of the United States, should be considered not as preservers of the country's peace, but provokers of its wars, consumers of its wealth, and corrupters of its morals; reasons which, we think, it will be hard for any one to resist, and which it will not be difficult for any one to apply to our own war establishments. In conclusion, he brings the great Christian doctrines of love and forgiveness, to bear with such power upon the subject, that

we would fain hope, in his hands, they will shake the very foundations of the old fortifications, behind which the advocates of war have, as a last resource, entrenched themselves; and that they will have no sooner fallen than the American people will obey his summons, clothed in such majestic language, and beautiful moral sentiments, to join in efforts for the abolition of war, and of all preparations for war, as indispensable to the true grandeur of their country. How can they withstand his appeal?

"Let it not be said that the age does not demand this work. The mighty conquerors of the past, from their fiery sepulchres demand it; the blood of millions, unjustly shed in war, crying from the ground, demand it; the voices of all good men demand it; the conscience even of the soldier whispers 'Peace.' There are considerations springing from our situation and condition, which fervently invite us to take the lead in the great work. To this should bend the patriotic ardour of the land; the ambition of the statesman; the efforts of the scholar; the persuasive influence of the press; the mild persuasion of the sanctuary; the early teachings of the school. Here 'in ampler ether and diviner air,' are untried fields for exalted triumphs, more truly worthy the American name, than any snatched from rivers of blood. War is known as the *Last Reason of Kings.* Let it be no reason of our Republic. Let us renounce and throw off for ever the yoke of a tyranny more oppressive than any in the annals of the world. As those standing on the mountain tops first discern the coming beams of morning, let us, from the vantage ground of liberal institutions, first recognise the ascending sun of a new era! Lift high the gates, and let the King of Glory in—the King of true Glory—of Peace. I catch the last words of music from the lips of innocence and beauty;*

'And let the whole earth be filled with his glory.'"

The utterance of such sentiments is noble at all times, how especially so before a people, who, when they heard them, were raging for war with Mexico and England! May they learn the lesson which has been so eloquently taught them, and may Mr. Sumner reap an abundant reward for venturing at such a time upon so ungracious a task.

INTELLIGENCE.

OPENING OF A PLACE FOR UNITARIAN WORSHIP AT SOUTHAMPTON.

An endeavour having at length been made to call the attention of the inhabitants of this flourishing and increasing town, to a consideration of those simple and sublime truths by which Unitarians are distinguished from other bodies of professing Christians, a brief statement of what has been done may not be unacceptable to our readers. For the last two years a small number of persons have regularly met together for worship, at the house of a friend; and, the British and Foreign Unitarian Association, and Southern Unitarian Fund Society having from the evidence laid before them deemed it expedient to make the experiment, on a larger scale, a

* The services of the choir at the Church, where the Oration was delivered, were performed by the youthful daughters of the public schools of Boston.

suitable room lately occupied by the Philosophical Society, has been engaged for the purpose. On Sunday, April 19th, the Rev. C. Chapman opened the place with a discourse on "God's condescension to human weakness," which riveted the attention of all present. He dwelt with affecting earnestness on the wide departure from duty and holiness—the foul idolatries—the infamous crimes of which man had been guilty, and the inexhaustible love of the Father, which still appeals to every principle of our nature, to follow on in the ways of wisdom and happiness. In the evening of the same day, Mr. Chapman delivered a discourse on "Reason as necessary to the reception of Revealed Religion;" it was powerfully but temperately urged, and so truly evangelical, in the proper sense of the word, as, whilst calling upon the hearers to respect, develop, and vigorously apply their best powers to the study of religious subjects, it tended equally to the warming and strengthening of the devotional feelings, and to the invigoration of Christian practice. The attendance, though not large, was encouraging, and it is hoped that by zeal and perseverance a congregation may be here established, which may be a centre of usefulness throughout the district. In the meantime, the requisite funds for so extensive an undertaking as the supply of a minister throughout the year are not provided, and the friends of religious truth are earnestly requested to aid this most desirable object. Contributions will be thankfully received by the Rev. E. Kell, and the Rev. H. Hawkes, Secretaries of the Southern Unitarian Fund Society, with whom any minister willing to undertake a mission of so uncertain yet interesting a nature, is requested to communicate. Contributions may also be forwarded to Mr. P. Brannon, 25, Carlton Place, Southampton, Treasurer of the Congregation, and any further information may be obtained from Mr. Joseph Sayer (of the same address), Secretary.

PETITION FOR THE ABOLITION OF CAPITAL PUNISHMENT.

To the Queen's Most Excellent Majesty.

The petition of the undersigned Inhabitants of London and its vicinity, agreed to at a public meeting, convened at Exeter-hall, London, on Wednesday, April 29, 1846.

Humbly showeth,—That a very general repugnance to the infliction of death as a punishment of crime has long been manifesting itself among your Majesty's subjects, in unison, as they believe, with the genuine spirit of Christianity.

That the partial abrogation of this awful penalty for offences formerly capital, has not endangered, but, in the confident belief of the petitioners, has increased the security of society; and that there is no valid reason why the same results which have justified its partial abrogation should not follow its entire repeal.

That it is shown by a parliamentary document (No. 36, Session 1842), that during a period of three years, 1834-5-6, in which there was *no execution* whatever in London or Middlesex, the commitments on the charge of murder were fewer than during any similar period, *with* executions, before or since; and that in those three years there was *not a single conviction for this crime.*

That from another parliamentary paper (No. 618, Session 1843,) extending over England and Wales, for the eight preceding years, it appears that in those counties where there had been a *mitigation* of the capital sentence, the number of murders *diminished materially*; but that the number did *not* so diminish in other countries where the sentence was inexorably *enforced*.

With the evidence of facts established upon such undoubted authority, and so conclusive in its character, it is matter of regret to your Majesty's petitioners that instances of capital punishment should of late have been multiplied; especially as these sanguinary examples, instead of answering the design intended, appear to have been followed by an increase in the crime of murder.

They would further earnestly entreat the attention of your Majesty to the fearfully degrading and demoralizing effects of public executions upon the community—to the circumstance that numerous robberies are perpetrated even at the foot of the gallows, where arrests are almost invariably made by the police; whilst ribald jests, disgraceful language, and brutal conduct, usually attend the hurrying of a wretched being, prepared or unprepared, into an awful eternity. Nor does the spectacle of blood excite a horror of the crime for which the malefactor suffers. On the contrary, with the beholders, whose better feelings are not yet hardened by such scenes, he is an object of sympathy from the very character of his punishment.

Moreover, it is well known that many criminals *escape all punishment*, from a reluctance of witnesses to give evidence, and of jurors to convict, on capital indictments, lest they should be instrumental to the death of a fellow-being. The protection due to society is thus diminished by frequent impunity to crime.

On the other hand, it is a solemn but indisputable fact, that many individuals, though condemned upon what appeared conclusive evidence, have, after all atonement had become impossible, *been proved to have perished innocent* of the charge imputed. Many more have been sent out of this world with their latest breath protesting their innocence; the question of whose guilt can only be known to the Great Searcher of hearts. From this it is humbly urged that the power of an irrevocable punishment should not belong to a fallible tribunal.

Upon these grounds—that the punishment of death is opposed to the spirit of Christianity; that it does not answer its design; that its effects are demoralizing; that it sometimes involves the destruction of the innocent by judicial process; and at others favours the escape of guilt—thus promoting the crimes it was meant to repress—your Majesty's petitioners implore of your Majesty that some other penalty, befiting a civilized and Christian state, may be provided.

And your Majesty's petitioners will ever pray, &c

(Signed) Wm. Ewart,
Chairman of the meeting.

CAUSES OF JUVENILE DEPRAVITY.

For a considerable time past, we have been convinced through the light thrown on this subject by the operations of the Temper-

ance Society, that the use of strong drink by our adult population is the occasion of most of the juvenile delinquency in this country. In proof of the correctness of this opinion, we shall refer in the first place, to the facts elicited in connection with the establishment of an institution at Glasgow, for the reformation of juvenile offenders. A few years ago, the number of such delinquents in that city became alarmingly great, and imprisonment, in company with adult offenders, made them yet more vicious and depraved. To promote their reformation, a large establishment was built, at a cost of £10,000, a sum which was raised in the course of a few weeks, among benevolent individuals in that city, so urgent were the necessities of the case considered to be.

At the end of the year, an interesting Report was given of the institution, in which the following conclusive testimony appears, as to the immediate incentive to crime by the youths who had been confined there, and into the particulars of whose cases a most searching inquiry had been made.

"We have no hesitation (observes the Report) in speaking positively of the existence of want, or actual destitution, as the cause of causes, above and inclusive of all others that can be named, impelling to the commission of crime."

The destitution of the parents, it will be observed, drove the children to thieve, in order to supply the wants of nature. It becomes, therefore, a question of the deepest interest to ascertain by what means the parents were reduced to this state of destitution. On the authority of Sheriff Allison, as given in the "Report on the proposed Inquiry into the present state of the poor in Scotland," it appears, that a sum very little short of a million sterling is annually expended by the labouring classes of Glasgow in the purchase of intoxicating drinks.

When we examine further into the subject, and find that, throughout the entire kingdom, good wholesome grain, sufficient to supply one tenth of our population with bread-food, is annually destroyed in the manufacture of a hurtful and demoralising drink, —whilst, in the city of Glasgow alone, the pecuniary resources of the labouring classes are grievously misapplied, to nearly the amount of a million sterling per annum, in the purchase of that drink—there surely is nothing surprising in the statement, that large numbers of its juvenile population are impelled to the commission of crime through actual destitution, and that their parents are debased and demoralised, and neglectful of their social and parental duties.

"The existence of want, or actual destitution," is not, therefore, "the cause of causes, impelling to the commission of crime." Such want is an effect of the use of strong drink by the parents, which should be regarded as "the cause of causes above and inclusive of all others that can be named," and must be removed before the effects will cease,—that is, as respects the nation at large. Individuals among the working-classes may, and do, use intoxicating drinks without such results following; but in regard to the nation generally, we know, by the experience of centuries, that there is no rational ground to expect it will be the case.—*Bristol Temperance Herald.*

WORSHIP-STREET SUNDAY SCHOOL.

The twenty-eighth anniversary of this Institution was celebrated on the evening of the 29th April. At nine o'clock, about one hundred and forty friends took tea in the Chapel. After the social repast, Dr. Bowring, M.P., who had kindly consented to preside, took the chair. In introducing the business of the meeting, the chairman expressed his gratification in having acquiesced to the earnest wishes of the Teachers of the School, to preside over this anniversary. "The path of life," he said, "was strewed with many pleasures and duties, but there was none of a higher kind than to aid the cause of education, and seek to benefit the young. The children we now instruct will be the future parents and teachers, and will exert a powerful influence, either beneficially or injuriously, upon the next generation. There is no mission more important than teaching the young. All may aid its progress, and there is no individual so humble, that he may not make himself useful to others." The Secretary, Mr. Edmund Brad, then read the Report* of the past year.

The Rev. J. O. SQUIER proposed, "An increasing attention on the part of our more wealthy friends, to the wants and improvemens of our poorer brethren."

Seconded by Mr. S. BRIGGS.

Mr. HENRY PRESTON, "Education of all Classes, as the direct mode of raising man to the rank for which his Creator designed him."

Seconded and responded to by Mr. THOMAS DICK.

Rev. J. C. MEANS, "The Cause of Plain Scriptural Religion throughout the World."

Seconded by Mr. JAMES RICHARDSON.

Rev. WILLIAM VIDLER, "The Sunday School Association."

Spoken to by Mr. JAMES LAWRENCE.

Mr. HILL, "Success to the Domestic Missions established amongst us."

This sentiment was responded to by the Rev. R. K. PHILP.

Mr. ANDERSON, "May the Teachers in our Sunday Schools be careful to acquire useful knowledge and virtuous dispositions themselves, as the best means of benefitting those whom we wish to serve."

Mr. G. SMALLFELD, Sen., in responding to this sentiment, observed, "that by teaching we learn, but we must learn before we can teach."

Mr. SCOTT gave interesting particulars relating to "Ragged Schools," and of the success attending the exertions which had been made in that with which he was engaged.

The Rev. BENJAMIN MARDON proposed, and Mr. SMALLFIELD seconded the following resolution :—"Best thanks to our philanthropic friend, Dr. Bowring, for his kind attention in presiding over our meeting this evening."

Dr. BOWRING acknowledged the resolution with considerable feeling.

* We have been favoured with a copy of the Report, and it is with much regret that our space will not permit us to insert it ; but feeling as we do its intrinsic value as a public document, we trust that we shall be permitted to use it in our Magazine for July.

A hymn was sung, and the meeting was closed, all present highly delighted with the evening's engagements.

SUBSCRIPTION FOR MR. WILDERSPIN.

"A subscription has been commenced—originating, we believe, in Yorkshire—with a view of offering a 'national tribute' to Mr. Wilderspin, the amiable and indefatigable founder and promoter of infant-schools. Most sincerely do we regret to say, that the circumstances of the good old man render this act of justice an act also of necessity. Mr. James Simpson, in Edinburgh; Mr. J. Terrington, in Hull; and Mr. E. P. Lamport, in Manchester, act as secretaries *pro tempore* to the fund. On taking up the subscription-list, one looks first for names from the manufacturing districts; for there, if anywhere, Mr. Wilderspin's value ought to be known. The Marshalls, of Leeds—Yateses and Gladstones of Liverpool—and Heywoods, of Manchester—are there, as every one would anticipate; but where are the rest of our manufacturing millionaires and merchant-princes? The zealous and benevolent clergyman is, of all men, most apt to sympathise with labours like Wilderspin's; and some clerical names are sprinkled through the list—the Dean of Canterbury, the Vicar of Batley, Mr. Sharp, the Vicar of Wakefield; Mr. Bray, the Vicar of Coventry; and the Rev. T. Dykes, of Hull: still we must take the liberty to say, the Church is inadequately represented. Gurneys there are, of course: on what occasion of sympathising with, or actively assisting benevolence and the benevolent, is that name missing? Lord Morpeth's and Earl Fitzwilliam's donations are forthcoming. There is a whole *posse comitatus* of Gaskells. Mr. Monckton Milnes is where a poet, possessed of the means, is always seen to most advantage; Mr. Rowland Hill's name, too, is there. The work is well begun, but much more is yet required. That no one may have the apology of being able to say he did not know where to send his money, we add, that subscriptions are received at the banks of Denison, Heywood, and Co., London; Leatham, Tew, and Co., Wakefield; A. Heywood and Sons, Liverpool; Sir B. Heywood and Co., Manchester."—*Spectator.*

WESTERN UNITARIAN CHRISTIAN UNION.

The first meeting of this society was held on Tuesday, the 21st of April, at Taunton—many friends from the adjoining towns were present. Among the ministers were the Revs. M. L. Yeates, G. Armstrong, T. Hincks, F. Bishop, W. J. Odgers, J. M. Montgomery, R. L. Carpenter, H. Solly, J. Murch, J. G. Teggin, D. Harwood, A. Lupton, S. Walker, R. M. Montgomery, W. James; and, among influential laymen of the district, J. B. Estlin, J. Browne, D. Blake, J. Warren, H. E. Howse, J. Terrell, B. P. Pope, W. Blake, S. W. Browne, R. Leigh, E. Bagehot, J. Lawson, J. Hill, &c., &c. Esqs.

The Rev. F. Bishop, of Exeter, introduced the service, and the Rev. G. Armstrong, preached the sermon. After divine service, the Rev. J. Murch was called to the chair—and called upon the Rev. W. James to read the Report of the Committee.

The Report stated, that at Torquay, a room, not very commo-

dious in itself, or in a very desirable situation, but the only place that could be procured, had been licensed, and opened for divine worship, on the second Sunday of the present year, under the direction of the Western Union, and that worship had been regularly conducted by different ministers in the district, with a favourable prospect of success. Much opposition had been encountered, and was still manifested; but the Sunday-evening services were invariably well attended, chiefly by persons of the working-classes; and seed had been sown which, there could be no doubt, would, by-and-by, spring up, and, it might be hoped, would produce fruit abundantly. The formation of the Western Union had been also of much service to the Cheltenham congregation. About the time when this association was established, the Rev. L. Lewis resigned the pastoral charge in that place; and as his flock were unable to secure a resident ministry, it was determined that a course of lectures should be delivered, on Sunday and Monday evenings, for three months, by ministers in connection with the "Union." The result had been in every respect satisfactory. The services had been well attended, the opponents of Unitarian Christianity had been made to feel that its friends are in earnest, prejudice had been lowered, more accurate views of Unitarianism had been diffused, and some had yielded to conviction, and united themselves in fellowship with those who worship the Father, through Christ, the Son. The committee had also visited Weymouth, in Dorsetshire, and Totnes, in Devonshire, with a view to make arrangements for the introduction of the Christianity of the New Testament into those places; and, in the latter town, it is hoped that, at no distant period, this object may be accomplished. The Committee had engaged the services of the Rev. William Smith, late of Stockport, who would enter on his labour in May, and be stationed at Torquay for three months. They believed Mr. Smith to be well adapted to the work he was about to undertake there, and trusted that a more convenient place might soon be obtained for his ministrations. The committee had not forgotten the small congregations in the district requiring aid. Grants of tracts had been sent to several ministers for distribution, and a course of lectures had been conducted at Tavistock, which was just concluded. They had been in correspondence, also, with friends at Calne and Yeovil, and at South Petherton, where there are chapels at present without ministers. The Committee had been, likewise, at some trouble to ascertain the names of persons holding Unitarian opinions, in places where there are no organised religious societies professing these views. They had discovered many who were glad to be brought into intercourse with their brethren. This had been especially the case in the county of Cornwall. It had been previously known, that at Falmouth and Flushing there are several families and individuals who, for many years, had met for the worship of the Father; but the committee had ascertained, that at Redruth, Hayle, Probus, Truro, Fowey, Penzance, Carharrack, Camborne, Helston, St. Just, Lelant, Penryn, Gwennap, and Perran, there are those who understand and rejoice in the Unitarian faith. The friends of Falmouth were especially desirous of having a minister settled with them; and they thought, that if he could unite scholastic duties with the pastoral work, he would have a good

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The twenty-first annual meeting of the British and Foreign Unitarian Association, will be held in the Chapel, Essex-street, Strand, on Wednesday, the 3rd of June. The service will commence at eleven o'clock precisely. The sermon will be preached by Rev. J. G. Robberds, of Manchester. At the close of the service a meeting will be held for transacting the usual annual business, relating to the association.

A *dejeune* will be provided at the Crown and Anchor Tavern, Strand, at half-past-three o'clock. Tickets five shillings each—but on the day six shillings.

The public breakfast of *The Sunday School Association*, will be held on Thursday morning, at eight o'clock, June 4th, at Radley's Hotel, Bridge-street, Blackfriars. J. W. Dowson, of Norwich, will preside. After the social repast, the twelfth annual meeting of the society will be held, the report of the past year read, and the annual business of the society transacted.

MARRIAGES.

On the 30th of April, at the New Meeting House, Birmingham, by the Rev. A. T. Blythe, James Couper, Esq., of Glasgow, to Catherine Mary Ann, youngest daughter of the late Mr. George Blythe, of Birmingham.

On the 3rd of May, at the Unitarian Chapel, Portsmouth, by the Rev. H. Hawkes, Mr. George Wilkins, of Portsmouth, to Miss Sarah Pearce, of Portsea.

On the 18th of May, at the Unitaran Chapel, Stockport, Charles Marsland, to Miss Sarah Appleton.

DEATHS.

April 28th, at Newport, Isle of Wight, aged 81 years, Mary, relict of John Hazlitt, artist, and sister-in-law of the celebrated essayist, William Hazlitt.

At Malta, of consumption, William Coxwell, solicitor, of Newcastle-on-Tyne.

On the 1st of May, sincerely regretted, Mr. William Antisell, of Ballyowen Cottage, Philipstown.

At Nantwich, Cheshire, the Rev. William Hawkes, many years pastor of the Presbyterian Chapel in that town.

NOTICES TO CORRESPONDENTS.

We beg to acknowledge the receipt of Noyes's translation of Proverbs, Ecclesiastes, &c. The Midnight Cry, by Solly. Redemption, &c., and Divinity of Christ, by Wm. Le Page, to which our early attention will be directed.

"G's" communication we respectfully decline.

"Nod," "T. W," "C. R," are respectfully thanked for their valuable papers.

Our No. for July will contain copious Reports of the Anniversary Meetings at Whitsuntide.

*** Communications for the Editor to be addressed to the care of the Publisher, John Mardon, No. 7, Farringdon Street, London.